



PATENT  
ATTORNEY DOCKET NO. 00742/062004

Certificate of Mailing: Date of Deposit: September 21, 2004

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janet D'Annunzio-Ellis

Printed name of person mailing correspondence

*Janet D'Annunzio - Ellis*

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas L. Benjamin Art Unit: 1632

Serial No.: 10/828,815 Examiner: Not Assigned

Filed: April 21, 2004 Customer No.: 21559

Title: DIAGNOSING AND TREATING CANCER CELLS USING  
MUTANT VIRUSES

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P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In reply to the Notice to File Missing Parts of Application that was mailed in connection with the above-captioned application on June 22, 2004, a copy of which is enclosed, Applicant, as a small entity, submits herewith the following:

- A Combined Declaration and Power of Attorney in compliance with 37 C.F.R. § 1.63.
- Payment of the surcharge of \$65.00 for late filing of the declaration.
- A Sequence Listing and diskette.
- A Sequence Statement.

- A Preliminary Amendment.
- One Replacement Drawing.
- Petition for Extension of Time of one (1) Month with check for the \$55.00 extension fee.

If there are any additional charges or any credits, please apply them to Deposit  
Account No. 03-2095.

Respectfully submitted,

Date: September 10, 2004

  
Kristina Bieker-Brady, Ph.D., P.C.  
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## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,815	04/21/2004	Thomas L. Benjamin	00742/062004

21559  
CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

CONFIRMATION NO. 7702  
FORMALITIES LETTER



\*OC000000013008081\*

Date Mailed: 06/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/24/2004 MMEKONEN 00000138 10828815

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600

- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

B.H.  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE